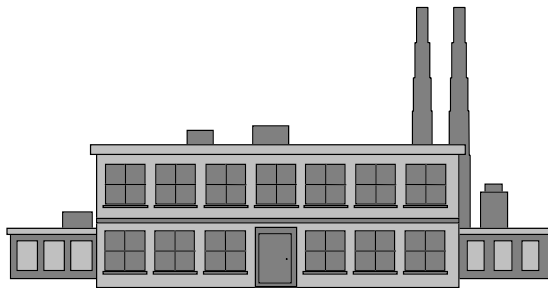


SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986 TITLE III

An Employer's Guide to Emergency Planning and Community Right-To-Know in Michigan



Michigan Emergency Planning and Community Right-to-Know Commission

(Revised October 1997)
(Modified August 2003)

Environmental Science & Services Division
Michigan Department of Environmental Quality 

Jennifer M. Granholm, Governor • Steven E. Chester, Director
www.michigan.gov/deq

INTRODUCTION

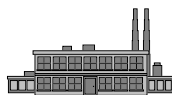
The original Superfund act — **CERCLA**, the **Comprehensive Environmental Response, Compensation, and Liability Act** — was enacted by Congress in 1980 to clean up the nation's hazardous waste sites. In response to continuing community concern regarding hazardous materials and chemical release tragedies such as the incident in Bhopal, India, a reauthorization and expansion of Superfund was signed into law on October 17, 1986. It is known as the Superfund Amendments and Reauthorization Act (SARA). Title III of SARA created a new, nationwide program known as Emergency Planning and Community Right-to-Know (EPCRA). The law was designed to improve local hazardous materials emergency response capabilities and provide the public with information concerning hazardous and toxic chemicals in their community. This brochure will focus on the reporting requirements of SARA Title III.

WHAT DOES SARA TITLE III COVER?

There are four major sections of SARA Title III. They are:

- I. Planning Notification (Sections 302 - 303)
- II. Emergency Release Notification (Section 304)
- III. Hazardous Materials Storage Inventory (Sections 311 - 312)
- IV. Toxic Chemical Release Inventory (Section 313)

HOW DO I KNOW IF MY FACILITY IS COVERED?



The various sections of SARA Title III have different chemical lists associated with them, so you must review each section of the law and obtain the appropriate lists. For each section, you should determine if you meet the reporting requirements. Check the ingredient section of your product material safety data sheets (MSDS) to identify the hazardous substances.

I. WHAT IS REQUIRED FOR PLANNING NOTIFICATION? (SECTIONS 302-303)

All facility owner/operators, private and public, should check to see if their facility is covered by these sections. If any chemical included on the list of Extremely Hazardous Substances (EHS) is present at your facility in excess of its threshold planning quantity (TPQ), you should immediately notify the Michigan Emergency Planning and Community Right-to-Know Commission (SERC) through the SARA Title III program office and your community's local emergency planning committee (LEPC). If you begin using, storing, or manufacturing any of these chemicals in daily amounts at or above the threshold planning quantity (TPQ), you must notify the SARA Title III program office and your local emergency planning committee within sixty days.



DO LOCAL UNITS OF GOVERNMENT HAVE OBLIGATIONS UNDER THESE SECTIONS OF SARA TITLE III?

Yes. Local emergency planning committees (LEPCs) must be established in every county. These committees are responsible for assisting the Emergency Management Coordinator in development of portions of the County Emergency Operations plan related to Hazardous Material Response. The plan should identify regulated facilities, emergency response and notification procedures, training programs, and evacuation plans.

Also, site-specific response plans must be developed for facilities which store EHSs. If your facility is subject to the emergency planning sections, you must notify the SARA Title III program office and your LEPC of your designated emergency planning coordinator who will participate in the planning process.

These local plans must be reviewed by the SERC and exercised periodically. LEPCs must provide annual public notice that the plans are available for public review during normal business hours.

LEPC membership includes elected officials, representatives of police, emergency management, fire departments, health organizations, community groups, transportation organizations, the media, environmental groups, and facility owners. These members are volunteers from your community who are working to protect the health and welfare of the local public.

II. WHAT IS REQUIRED FOR EMERGENCY NOTIFICATION OF CHEMICAL RELEASES? (SECTION 304)

There are two chemical lists that public and private facility owners/operators need to refer to under this section. One is the list of Extremely Hazardous Substances that is used for emergency planning. The second list is established under Section 102(a) of CERCLA. These two lists combined cover nearly 1,000 hazardous materials.

The Michigan Emergency Planning and Community Right-to-Know Commission, your LEPC, and the National Response Center must receive immediate notification if your facility accidentally releases a chemical which:

- is on either of the two lists,
- exceeds the corresponding reportable quantity (RQ), and
- has potential for off-site exposure.



WHAT INFORMATION AM I REQUIRED TO REPORT?

You must provide the names, amounts, and duration of releases of these chemicals, as well as information regarding exposed individuals and any potential health risks. The initial notification may be made by telephone, radio, or in person. The applicable telephone numbers are listed at the end of this brochure.

You must also provide a written follow-up report of the incident to the SARA Title III program office for the Commission and your LEPC that includes the above information, plus:

- actual response actions taken,
- any known or anticipated health risks associated with the release, and
- advice on medical attention for the exposed individuals.

NOTE: These actions do not necessarily fulfill other federal or state reporting requirements for chemical releases.

III. WHAT IS REQUIRED FOR HAZARDOUS MATERIALS STORAGE REPORTING? (SECTIONS 311-312)

If your facility is covered by the state or federal OSHA Hazard Communication Standard and you store OSHA-regulated substances above the EPA-established thresholds, you are likely covered by these sections. The reporting threshold for any substance requiring a material safety data sheet (MSDS) is 10,000 pounds. For Extremely Hazardous Substances, the reporting threshold is 500 pounds or the TPQ, whichever is lower. If you store hazardous materials in excess of these thresholds at any time during the year, you must file under Sections 311 and 312.



WHAT MUST I FILE AND WITH WHOM

To fulfill the requirements of Section 311, you must submit a copy of the material safety data sheet for each reportable hazardous substance (see the thresholds described above) **or** a list of these hazardous substances grouped into the five EPA hazard categories — acute health effects, chronic health effects, fire hazard, sudden release of pressure, and reactivity.

The MSDSs or categorized list of substances must be submitted to the SARA Title III program office for the Commission, the LEPC, and your local fire department. Contact your county board of commissioners or the SARA Title III program office for the local committee in your area. This submission is required only once unless changes are made in the hazardous materials your facility stores.



ARE THERE ANY ANNUAL REPORTING REQUIREMENTS?

Yes. Facility owners/operators must submit hazardous materials inventory information using either an Emergency and Hazardous Chemical Inventory Tier One or Tier Two reporting form.

The Tier One form includes aggregate information about hazardous substances and their general locations grouped by major hazard category. Tier Two information is chemical-specific and location-specific. Facilities may submit either of these forms to comply with Section 312.

However, because the Tier Two information is chemical-specific, it is generally more useful to emergency responders. The state Commission recommends that facilities submit the Tier Two form; and in some cases, LEPCs require the Tier Two.

Copies of the forms must be submitted to the SARA Title III program office for the Commission, your LEPC, and your local fire department by March 1 of each year. The public may obtain hazardous substances inventory information for a specific facility through the SARA Title III program office or their LEPC.

NOTE: Most employers in Michigan are also required to follow the requirements of the Michigan Worker Right-to-Know Law. Contact your Michigan OSHA office for more information.

Are There Exemptions for Certain Activities or Substances?

Yes. For example, hazardous substances used under the supervision of a technically qualified individual in a research lab, hospital, or medical facility may be exempt. Chemicals that are used in routine agricultural operations **and** are stored by the end user are exempted from reporting only in this section.

Other substances which do not need to be reported include regulated hazardous wastes, materials packaged for household use, food, and drugs. For specific exemptions, consult the appropriate federal regulations.

IV. WHAT IS REQUIRED FOR THE TOXIC CHEMICAL RELEASE INVENTORY? (SECTION 313)

If you own or operate a manufacturing facility (SIC codes 20-39) with ten or more employees and you use, import, process, or manufacture any chemical included on the Section 313 list of toxic chemicals in quantities greater than threshold amounts, you must submit Toxic Chemical Release Inventory forms (Form R or Form A) each year.



Effective January 1, 1998, Industry expansion includes SIC codes 4911, 4931, 4939, 4953, 5169, 5171, 7389, coal mining, and metal mining except Iron ore and Uranium-Radium-Vanadium ores.

The threshold amounts are 25,000 pounds per year for manufacturing, importing, or processing of a listed chemical and 10,000 pounds per year for ancillary use of a listed chemical.

The Toxic Chemical Release Inventory provides information about the quantities of toxic chemicals released (routinely and accidentally) to the environment during the previous calendar year. The form also identifies efforts taken to reduce pollution at the facility. A complete Form R or Form A must be submitted for each toxic chemical used in excess of the threshold amount even if no releases occurred.

These forms are to be submitted each year by July 1 to the SARA Title III program office and to US EPA. They are available for public inspection. The data may also be accessed electronically through the Internet and by CD-ROM. Contact the Michigan SARA Title III program office or US EPA for further information.

Federal Regulations Promulgated Under SARA Title III

40 CFR Part 350	—	Trade Secret Claims for Emergency Planning and Community Right-to-Know Information
40 CFR Part 355	—	Emergency Planning and Release Notification Requirements; List of Extremely Hazardous Substances
40 CFR Part 370	—	Emergency and Hazardous Chemical Inventory Forms and Submission of Material Safety Data Sheets
40 CFR Part 372	—	Toxic Chemical Release Inventory Reporting Requirements

The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to the MDEQ Office of Personnel Services, PO Box 30473, Lansing, MI 48909.

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Michigan Department of Environmental Quality

RESOURCE LIST

Community Right-to-Know Reporting Requirements
Department of Environmental Quality
Environmental Science & Services Division
SARA Title III Program
P.O. Box 30457
Lansing, Michigan 48909-7957
517-373-8481

www.michigan.gov/deq, then Site Map to SARA Title III Links

Emergency Planning
LEPC and Commission Activities
Department of State Police
Emergency Management Division
400 South Collins
PO Box 30636
Lansing, Michigan 48909-8136
517-333-5029

www.michigan.gov/msp, then MSP Site Map to the Division Link

Hazardous Materials Training
Hazardous Materials Training Center
7426 Osborne Road
Lansing, Michigan 48913
517-322-1190
www.hazmatems.com

General Information
US EPA EPCRA Call Center
1-800-424-9346
Form R Reporting
US Environmental Protection Agency
TRI Data Processing Center
P.O. Box 1513
Lanham, MD 20703-1513

Sections 301-312 & 313
US EPA Region 5—Chicago
Sections 301-312: 312-886-1964
Section 313: 312-886-6219

For Emergency Release Reporting (Section 304):

State Commission Notification via
Michigan Department of Environmental Quality
Pollution Emergency Alerting System
1-800-292-4706

Federal Notification
National Response Center
1-800-424-8802